

UNITED STATES DISTRICT COURT

for the
Western District of Washington

In the Matter of the Search of
*(Briefly describe the property to be searched
 or identify the person by name and address)*
 SUBJECT PACKAGE, bearing tracking no.
 284438213281, more fully described
 in Attachment A

Case No.

MJ21-554

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

FedEx Package, more fully described in Attachment A, incorporated herein by reference

located in the Western District of Washington, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment B, incorporated herein by reference.

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
☒ contraband, fruits of crime, or other items illegally possessed;
☒ property designed for use, intended for use, or used in committing a crime;
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
21 U.S.C. §§ 841(a)(1) & 846	Distribution and Possession with Intent to Distribute Controlled Substances
21 U.S.C. § 843(b)	Unlawful Use of Communication Facility to Facilitate Trafficking of Controlled Substance

The application is based on these facts:

- ☒ See Affidavit of DHS HSI Special Agent Kenneth Mesler, continued on the attached sheet.

☐ Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Pursuant to Fed. R. Crim. P. 4.1, this warrant is presented: ☒ by reliable electronic means; or: ☐ telephonically recorded.

Kenneth Mesler

Applicant's signature

Kenneth Mesler, DHS HSI Special Agent

Printed name and title

- ☐ The foregoing affidavit was sworn to before me and signed in my presence, or
☒ The above-named agent provided a sworn statement attesting to the truth of the foregoing affidavit by telephone.

Date: 10/12/2021

John L. Weinberg
Judge's signature

City and state: Seattle, Washington

John L. Weinberg, United States Magistrate Judge

Printed name and title

AFFIDAVIT OF KENNETH MESLER

STATE OF WASHINGTON)
) ss
COUNTY OF KING)

I, Kenneth Mesler, being first duly sworn on oath, depose and say:

INTRODUCTION

1. I submit this affidavit in support of an application for a search warrant for the following item:
 - a. FedEx package (the “**SUBJECT PACKAGE**”) utilizing the tracking number 284438213281, sent from “Hedgar Bravo 300 N Morley Ave Nogales, AZ 85628” to “Maricela Zamora 1707 Merrill Creek Pkwy #1222 Everett, WA 98203.” The **SUBJECT PACKAGE** is further described in Attachment A, which is incorporated herein by reference.
2. As set out below, I respectfully submit that there is probable cause to believe that the search of the **SUBJECT PACKAGE** will reveal evidence, contraband, and instrumentalities of the crimes of distribution of controlled substances, and conspiracy to commit that offense, in violation of Title 21, United States Code, Sections 841(a)(1) and 846, and unlawful use of a communication facility, including the U.S. mail, to facilitate the distribution of controlled substances, in violation of Title 21, United States Code, Section 843(b).
3. The statements in this affidavit are made based on my personal observations and investigation conducted, and information communicated or reported to me during the investigation by other participants in the investigation, as the content of this affidavit indicates. The information contained herein does not include every fact known to me.

RELEVANT TRAINING AND EXPERIENCE

4. I am a Special Agent (SA) with the Department of Homeland Security (DHS) Homeland Security Investigations (HSI), where I have been employed since

1 September of 2020. I am presently assigned to the Border Enforcement Security
 2 Task Force (BEST). Prior to HSI, I was employed as an Intelligence Analyst with
 3 the United States Drug Enforcement Administration (DEA), where I received
 4 formal training and experience relative to the investigation of narcotics trafficking,
 5 money laundering, cryptocurrency mixers, bulk cash smuggling, black market
 6 peso exchange, placement, layering, integration, structuring and other techniques
 7 used to launder illicit proceeds. I am presently a Certified Anti-Money Laundering
 8 Specialist (CAMS) and have experience conducting fraud and Anti-Money
 9 Laundering (AML) investigations.

- 10 5. I am familiar from my training and experience with the provisions of Title 21 of
 11 the United States Code that make it illegal to possess, distribute, import, and
 12 perform other prohibited acts with respect to controlled substances.

13 **STATEMENT OF PROBABLE CAUSE**

- 14 6. On October 1, 2021, HSI SA Matthew Eiding received a tip from an FBI SA out
 15 of Tucson, AZ that the **SUBJECT PACKAGE** was inbound to Washington State
 16 via FedEx, and was believed to contain controlled substances.
- 17 7. On October 2, 2021, SA Eiding and I intercepted the **SUBJECT PACKAGE**
 18 destined for a residence in Everett, WA.
- 19 8. On October 4, 2021, at the request of SA Eiding, Customs and Border Protection
 20 (CBP) Officer Kristina Johnson and her narcotics detecting canine partner "Remi,"
 21 who is trained in narcotic detection, responded to HSI to conduct a K9 sniff of the
 22 **SUBJECT PACKAGE**. At approximately 10:15 a.m., "Remi" and Officer
 23 Johnson arrived at the HSI office located at 1000 2nd Avenue in Seattle. The
 24 **SUBJECT PACKAGE** was placed in an HSI office, out of sight of K9 "Remi"
 25 and Officer Johnson. K9 "Remi" then systematically searched the office. When
 26 K9 "Remi" got close to the **SUBJECT PACKAGE**, she alerted, took several deep
 27 breaths and indicated (sat). When K9 "Remi" sits, it is an indication that she
 28 detects the odor of narcotics coming from the package.

1 9. I am informed that K9 "Remi" is trained and annually certified in narcotics
2 detection by CBP. In addition, "Remi" receives ongoing maintenance training as
3 frequently as every month. Officer Johnson has been a K9 officer since October
4 2008.

5 10. Through my training and experience, I am aware that parcel transport systems,
6 including the United States Postal Service, UPS, and FedEx, are often used to
7 transport controlled substances and/or the proceeds from the sale of controlled
8 substances throughout the United States. I have learned and observed that
9 sometimes drug traffickers put controlled substances and proceeds in the same
10 parcel.

11 11. On October 4, 2021, SA Eidinger and I conducted an X-ray of the **SUBJECT**
12 **PACKAGE**, which revealed several tightly wrapped packages dispersed amongst
13 the other contents of the box, which is consistent with packaging routinely utilized
14 for pill bundles and other types of narcotics packaging.

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CONCLUSION

12. Based on the facts set forth above, I believe probable cause exists to conclude that the **SUBJECT PACKAGE** contains controlled substances, documents, currency, or other evidence, more fully identified in Attachment B, related to the mailing and distribution of controlled substances, in violation of Title 21, United States Code, Sections 841(a)(1) (distribution and possession with intent to distribute controlled substances), 843(b) (unlawful use of a communication facility, including the U.S. mail, to facilitate the distribution of controlled substances), and 846 (conspiracy).

Kenneth Mesler

KENNETH MESLER
Special Agent
Homeland Security Investigations

The above-named agent provided a sworn statement attesting to the truth of the contents of the foregoing affidavit by telephone on this 12th day of October, 2021.

John L. Weinberg

HON. JOHN L. WEINBERG
United States Magistrate Judge

ATTACHMENT A

Parcel to be searched

One FedEx package utilizing the tracking number 284438213281, sent from "Hedgar Bravo 300 N Morley Ave Nogales, AZ 85628" to "Maricela Zamora 1707 Merrill Creek Pkwy #1222 Everett, WA 98203." This package is currently stored at 1000 2nd Ave, Seattle, WA 98104, secured in evidence storage, maintained by HSI.

ATTACHMENT B

Items to be seized

The following items that constitute evidence, instrumentalities, or fruits of violations of Title 21, United States Code, Sections 841(a)(1), 843(b), and 846:

- a. Controlled substances, including, but not limited to, cocaine, crack cocaine, heroin, hashish, marijuana, methamphetamine, MDMA, methadone, fentanyl, oxycodone, and Oxycontin;
- b. Monetary instruments, including but not limited to, currency, money orders, bank checks, or gift cards;
- c. Controlled substance-related paraphernalia;
- d. Documentary evidence relating to the purchase, sale, and/or distribution of controlled substances;
- e. Notes, letters and other items which communicate information identifying the sender and/or recipient or pertaining to the contents of the mailing; and
- f. Fingerprints and/or handwriting, to identify who handled and/or mailed the parcel.